

RESOLUTION NO. 2016283

RE: AUTHORIZATION TO ACQUIRE TWO PERMANENT EASEMENTS  
FOR DRAINAGE PURPOSES FROM R.J.A. HLD, INC., IN CONNECTION  
WITH THE ALL ANGELS HILL HEIGHTS SUBDIVISION LOCATED  
AT ALL ANGELS HILL ROAD (CR 94) IN THE TOWN OF WAPPINGER

Legislators PULVER and BOLNER  
offer the following and move its adoption:

WHEREAS, the Department of Public Works has made a determination that in order to maintain, repair and perform inspections, on an as needed basis, of the drainage system located in the "All Angels Hill Subdivision" in the Town of Wappinger, Dutchess County, it is necessary to acquire two permanent easements on portions of real property, as follows: (a) a .26 acre parcel located on New Hackensack Road (CR 104) and (b) a .055 acre parcel located on All Angels Hill Road (CR 94) both described as Parcel Identification Number 135689-6259-03-410112-0000, as shown on the attached "Map of Proposed Drainage Easement", and presently owned by R.J.A. HLD., Inc.; and

WHEREAS, the two permanent easements are also necessary to convey storm water discharge from the County highway system through and across the property located in the "All Angels Hill Subdivision" in the Town of Wappinger, and

WHEREAS, the property owner has indicated that it would like to donate the said two permanent easements, and

WHEREAS, the two proposed Grants of Permanent Easement for Drainage Purposes, between the County and the property owner are annexed hereto, and

WHEREAS, it is the purpose of this Legislature in adopting this resolution to authorize the County Executive to execute the Grants of Permanent Easement for Drainage Purposes as well as any other necessary documents to finalize the two permanent easements, and NOW, therefore, be it

RESOLVED, that the County Executive or his designee is authorized to execute the Grants of Permanent Easement for Drainage Purposes in substantially the same form as annexed hereto along with any other necessary documents in connection with the permanent easements.

CA-178-16  
CAB/kvh/R-0967  
11/14/16  
Fiscal Impact: See attached statement

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8th day of December 2016, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8<sup>th</sup> day of December 2016.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

## FISCAL IMPACT STATEMENT

☒ NO FISCAL IMPACT PROJECTED

### APPROPRIATION RESOLUTIONS

(To be completed by requesting department).

Total Current Year Cost \$ \_\_\_\_\_

Total Current Year Revenue \$ \_\_\_\_\_  
and Source

Source of County Funds (check one): ☒ Existing Appropriations, ☐ Contingency,  
☐ Transfer of Existing Appropriations, ☐ Additional Appropriations, ☐ Other (explain).

Identify Line Items(s):

Related Expenses: Amount \$ \_\_\_\_\_

Nature/Reason:

Anticipated Savings to County: \_\_\_\_\_

Net County Cost (this year): \_\_\_\_\_  
Over Five Years: \_\_\_\_\_

### Additional Comments/Explanation:

AUTHORIZATION TO ACQUIRE BY WAY OF DONATION, TWO PERMANENT EASEMENTS FOR DRAINAGE PURPOSES, FROM R.J.A. HLD., INC., TOWN OF WAPPINGER, DUTCHESS COUNTY, NEW YORK

Prepared by: Matthew W. Davis

2929

**GRANT OF PERMANENT EASEMENT FOR DRAINAGE PURPOSES**

THIS INDENTURE, made the \_\_\_\_ day of October, 2016, between

R.J.A. HLD., INC.,  
having an address of  
51 Myers Corners Road, Wappingers Falls, New York 12590  
(hereinafter referred to as "GRANTOR"),

and

COUNTY of DUTCHESS  
with offices located at 626 Dutchess Turnpike, Poughkeepsie, New York 12603  
(hereinafter referred to as or "GRANTEE").

**WITNESSETH:**

WHEREAS, the GRANTOR is the owner of the lands herein described and has been granted conditional final subdivision approval by the Town of Wappinger Planning Board by Resolution dated \_\_\_\_\_, for a subdivision plat entitled "All Angels Heights Subdivision", which plat is intended to be filed to be filed in the Dutchess County Clerk's Office simultaneously with the recording of this instrument, as Filed Map No. \_\_\_\_\_. Grantor consents that the filed map number assigned to the Plat be inserted above at the time of recording.

NOW, THEREFORE, in consideration of the sum of TEN (\$10.00) DOLLARS, lawful money of the United States, actual consideration, receipt of which is hereby waived and in the further consideration of the promises set forth below, the GRANTOR hereby grants and releases unto the GRANTEE a PERMANENT EASEMENT and RIGHT-OF-WAY, for the following uses and purposes upon the following terms and conditions:

**1. GRANT OF PERMANENT EASEMENT AND RIGHT-OF-WAY.** The

GRANTOR grants unto the GRANTEE a PERMANENT EASEMENT and RIGHT-OF-WAY in, on, under and through certain portions of the GRANTOR'S parcel hereinafter described and called the PERMANENT EASEMENT AREA, for the purposes of entering upon, operating, clearing, cleaning, maintaining, repairing, altering, expanding, replacing and inspecting a drainage system, including lines, pipes, culverts, catch basins, ditches and appurtenances, or a combination thereof, for the purpose of conveying, diverting and discharging storm water runoff in, on, over, under, across and through the PERMANENT EASEMENT AREA. The PERMANENT EASEMENT AREA herein is more particularly described on Schedule "A", respectively, attached hereto and made a part hereof.

**2. ACCESS.** This GRANT of PERMANENT EASEMENT AREA shall include, but is not limited to, the following appurtenant rights necessary to effectuate the maintenance of the aforementioned water pipes, lines, ditches and appurtenances:

(a) the right of ingress and egress by person(s), motor vehicle and construction equipment necessary to maintain, repair, reconstruct, replace and inspect the water pipes, lines and appurtenances as GRANTEE may deem necessary or desirable; and

(b) the right to clear, excavate, fill, grade, or cultivate the PERMANENT EASEMENT AREA and/or otherwise improve the same for the purposes herein set forth.

**3. PROHIBITION OF STRUCTURES.** The GRANTOR is hereby prohibited from constructing and/or maintaining any type of permanent structure including underground pipes and conduits in, on, under or over the PERMANENT EASEMENT AREA without written permission of GRANTEE.

4. RESTORATION. All areas disturbed by the exercise of the rights conferred herein shall be restored, as reasonably as practicable, to the condition that existed prior to the disturbance.

5. DURATION. The PERMANENT EASEMENT and RIGHT-OF-WAY, together with the terms, covenants and agreements herein contained shall be binding upon the parties hereto, their successors, assigns, heirs, distributees and legal representatives, and **ALL COVENANTS HEREIN SHALL RUN WITH THE LAND AFFECTED HEREBY AND SHALL BE PERPETUAL IN DURATION.**

IN WITNESS WHEREOF, the GRANTOR has executed this instrument as of the date first set forth above.

R.J.A. HLD., INC., Grantor

By: \_\_\_\_\_  
Robert Macho, President

COUNTY OF DUTCHESS, Grantee

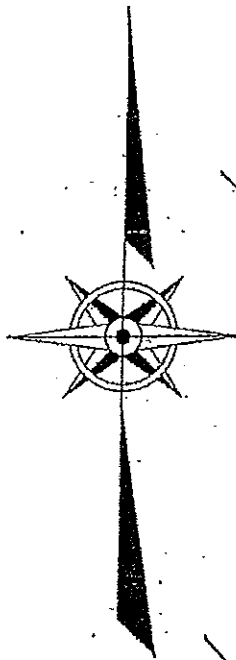
By: \_\_\_\_\_

### Drainage Easement

All that certain plot, piece or parcel of land situate, lying and being in the Town of Wappinger, County of Dutchess, State of New York, said easement also shown on a map entitled All Angels Heights Subdivision as filed in the Dutchess County Clerk's Office as Filed Map \_\_\_\_\_ being bounded and described as follows:

Beginning at a Point located on the westerly line of All Angels Road (AKA CR 94), said point also being the southeast corner of the lands, now or formerly, of Hagon (Doc. 02 2013 931); thence along the lands of said Hagon North  $45^{\circ}01'46''$  West a distance of 29.25 feet to a point; thence through said Hagon North  $13^{\circ}41'34''$  East a distance of 93.81 feet to a point located on the southerly line of Tadasana Court as shown on the aforementioned filed map; thence along Tadasana Court along a curve to the right having a radius of 25.00 feet, an arc length of 39.27 feet, a chord bearing South  $31^{\circ}18'29''$  East a distance of 35.36 feet to a point located on the westerly line of All Angels Road; thence along said line South  $13^{\circ}41'34''$  West a distance of 84.00 feet to a point to the Point of Beginning

Containing 2,401 sq. ft. or 0.055 acres of land.



Now or Formerly  
RJA Holdings Inc.  
Doc. #02 2009 1920  
6259-03-410112

Now or Formerly  
Hogon  
Doc. #02 2013 931  
6259-03-486056

Proposed  
Drainage Easement  
2,401 Square Feet  
0.055 Acres

Now or Formerly  
Alderson  
Doc. #02 2015 5261  
6259-03-494036

$R=98.98'$   
 $L=48.98'$

$R=25.00'$   
 $L=39.27'$

$S13^{\circ}41'34''W$  102.00

$S45^{\circ}02'46''E$  360.00

$N33^{\circ}12'54''E$  15.81

$S00^{\circ}14'17''E$  84.00

All Angels Hill Road (A.K.A. C.R. 94)

ALL ANGELS HEIGHTS

MAP OF PROPOSED  
DRAINAGE EASEMENT  
ALL ANGELS HEIGHTS

TOWN OF WAPPINGER, COUNTY OF DUTCHESS, STATE OF NEW YORK

**TEC** LAND SURVEYING

150 TIORONDA AVE. BEACON, NY 12508  
PH: 845.445.6590 FX: 845.445.6591

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**R.J.A. HLD., INC.,**  
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R.J.A. HLD., INC., Grantor

By: \_\_\_\_\_  
Robert Macho, President

COUNTY OF DUTCHESS, Grantee

By: \_\_\_\_\_

## SCHEDULE A

All that certain plot, piece or parcel of land situate, lying and being in the Town of Wappinger, County of Dutchess, State of New York, said lot also shown on a map entitled All Angels Heights Subdivision as filed in the Dutchess County Clerk's Office as Filed Map \_\_\_\_\_ being bounded and described as follows:

Beginning at a point located on the northerly line of Lot 3 on said Filed Map \_\_\_\_\_, said point also being located on the southerly line of a parcel identified as "to be conveyed to Lois Family Ltd. Partnership"; thence through said parcel to be conveyed the following five (5) courses:

1. North 18°35'12" West a distance of 124.94 feet;
2. North 15°04'02" West a distance of 23.00 feet;
3. North 15°39'37" West a distance of 34.65 feet;
4. North 14°18'17" West a distance of 172.76 feet and
5. North 21°53'27" West a distance of 16.70 feet

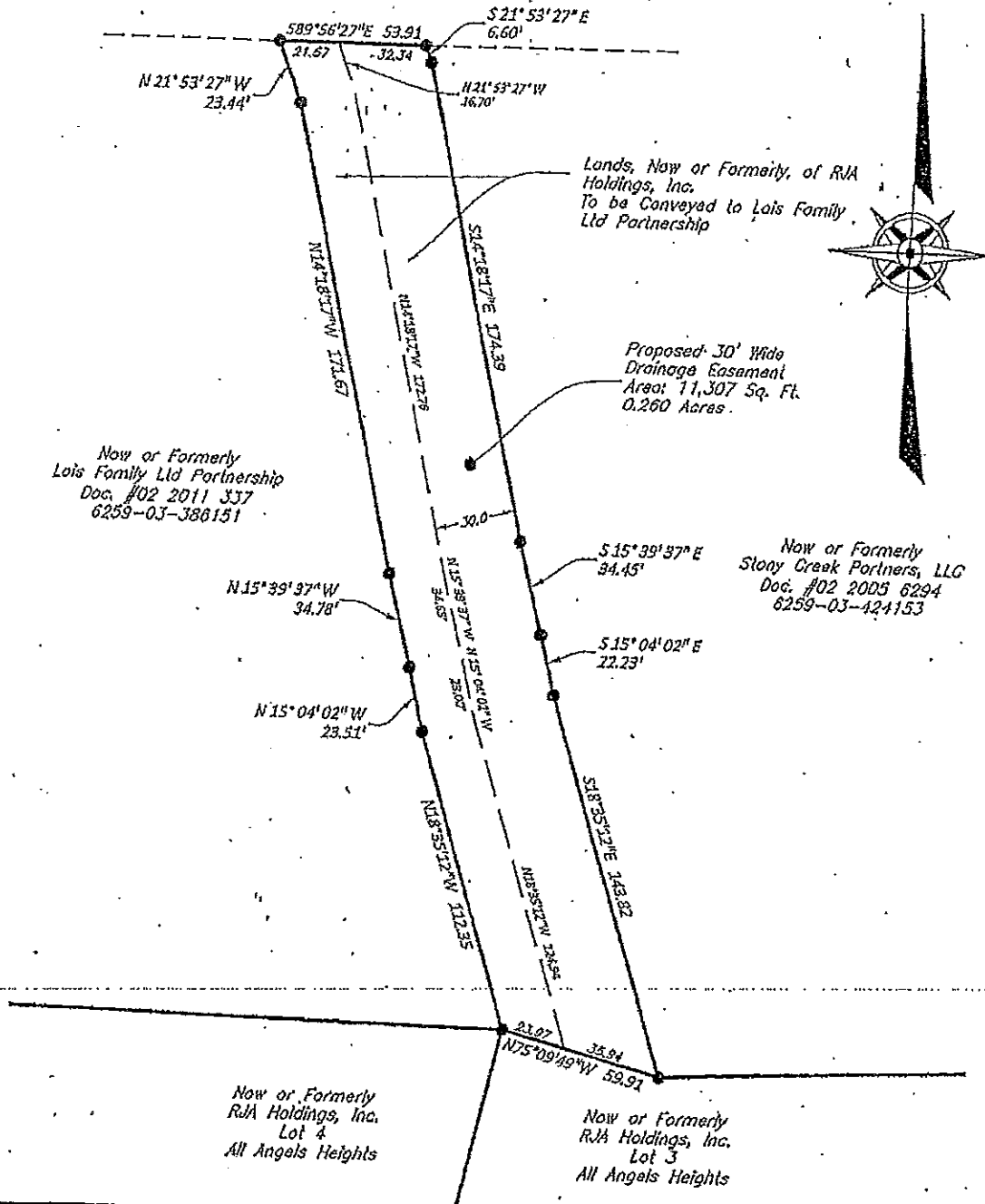
to a point located on the southerly line of New Hackensack Road (AKA County Route 104); thence along New Hackensack Road South 89°56'27" East a distance of 32.34 feet to the northwest corner of the lands, now or formerly, of Stoney Creek Partners, LLC (Doc. #02 2005 6294); thence along same the following five (5) courses:

1. South 21°53'27" East a distance of 6.60 feet;
2. South 14°18'17" East a distance of 174.39 feet;
3. South 15°39'37" East a distance of 34.45 feet;
4. South 15°04'02" East a distance of 22.23 feet and
5. South 18°35'12" East a distance of 143.82 feet

to a point located on the aforementioned Lot 3; thence North 75°09'49" East a distance of 35.94 feet to the Point or Place of Beginning.

Containing 11,303 square feet or 0.259 acres of land.

New Hackensack Road (A.K.A. CR 104)



**TEC** LAND SURVEYING

150 TIORONDA AVE. BEACON, NY 12508  
PH: 845.445.6590 FX: 845.445.6591

ALL ANGELS HEIGHTS

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TOWN OF WAPPINGER, COUNTY OF DUTCHESS, STATE OF NEW YORK